

Minutes

4-9-12

**TENNESSEE MOTOR VEHICLE COMMISSION
BOARD MEETING
APRIL 9, 2012 10:30 A.M.
CONFERENCE ROOM 160
DAVY CROCKETT TOWER, 500 JAMES ROBERTSON PKWY.
NASHVILLE, TENNESSEE 37243**

ROLL CALL:

	<u>PRESENT</u>	<u>ABSENT</u>
EDDIE ROBERTS	X	
REED TRICKETT	X	
GEORGE BASS	X	
JOE CLAYTON	X	
KEVIN CULLUM		X
DONNIE HATCHER	X	
NATE JACKSON	X	
CHAD JONES	X	
DON PARR	X	
STAN MCNABB	X	
FARRAR SCHAEFFER	X	
MARK PIRTLE	X	
RONNIE FOX	X	
WADE HINTON	X	

The Tennessee Motor Vehicle Commission Meeting was called to order by Chairman Eddie Roberts on April 9, 2012 Roll Call was taken with a total of (13) member's present.

A Motion was made by Commissioner Joe Clayton, and seconded by Commissioner Ronnie Fox, to approve the minutes from the January 9, 2012 meeting.

MOTION PASSED UNANIMOUSLY

A Motion was made by Commissioner Donnie Hatcher, and seconded by Commissioner George Bass, to approve the minutes from the Teleconference on March 26, 2012.

Adopt Agenda

Motion was made by Commissioner Joe Clayton, and seconded by Commissioner Donnie Hatcher to adopt the agenda for the meeting held on April 9, 2012.

Motion passed unanimous.

APPEALS

The following appeals were heard by Commission.

Mark Andress-Camping World RV Sales, Chattanooga, TN

Staff denied application

Motion was made by Commissioner Donnie Hatcher, and seconded by Commissioner Mark Pirtle to grant the license.

ROLL CALL VOTE

Eddie Roberts	No
George Bass	No
Ronnie Fox	No
Don Parr	Yes
Nate Jackson	Yes
Donnie Hatcher	Yes
Farrar Schaeffer	No
Wade Hinton	Yes
Reed Trickett	Yes
Mark Pirtle	Yes
Joe Clayton	Yes
Chad Jones	No
Stan McNabb	Yes

Motion passed to grant the license.

Michael LaDon Harris, Jim Cogdill Dodge Co., Knoxville, TN

Staff denied application

Motion was made by Commissioner Donnie Hatcher, and seconded by Commissioner Farrar Schaeffer to grant the license.

ROLL CALL VOTE

Eddie Roberts	Yes
George Bass	Abstain
Ronnie Fox	Yes
Don Parr	Yes
Nate Jackson	Yes
Donnie Hatcher	Yes
Farrar Schaeffer	Yes
Wade Hinton	Yes
Reed Trickett	Yes
Mark Pirtle	Yes
Joe Clayton	Yes
Chad Jones	Yes
Stan McNabb	Yes

Motion passed to grant the license.

Angelea Nicole Vallem, Cumberland Chrysler Center, Inc, Cookeville, TN
Staff denied application

Motion was made by Commissioner Wade Hinton, and seconded by Commissioner Farrar Schaeffer to grant the license.

ROLL CALL VOTE

Eddie Roberts	Yes
George Bass	Yes
Ronnie Fox	Yes
Don Parr	Yes
Nate Jackson	Yes
Donnie Hatcher	Yes
Farrar Schaeffer	Yes
Wade Hinton	Yes
Reed Trickett	Yes
Mark Pirtle	Yes
Joe Clayton	Yes
Chad Jones	Yes
Stan McNabb	Yes

Motion passed to grant the license.

Jackie P. Stephens, Russell Barnett Chevrolet-GMC Inc., Winchester, TN
Staff denied application

Motion was made by Commissioner Stan McNabb, and seconded by Commissioner Reed Trickett to grant the license.

ROLL CALL VOTE

Eddie Roberts	Yes
George Bass	No
Ronnie Fox	Yes
Don Parr	Yes
Nate Jackson	Yes
Donnie Hatcher	Yes
Farrar Schaeffer	Yes
Wade Hinton	Yes
Reed Trickett	Yes
Mark Pirtle	Yes
Joe Clayton	Yes
Chad Jones	No
Stan McNabb	Yes

Motion passed to grant the license.

Robert Jameson Green, Victory Nissan South, Shelbyville, TN
Staff denied application

Motion was made by Commissioner Don Parr, and seconded by Commissioner Joe Clayton, to grant the license.

ROLL CALL VOTE

Eddie Roberts	No
George Bass	No
Ronnie Fox	No
Don Parr	Yes
Nate Jackson	No
Donnie Hatcher	No
Farrar Schaeffer	No
Wade Hinton	No
Reed Trickett	No
Mark Pirtle	No
Joe Clayton	Yes
Chad Jones	Yes
Stan McNabb	No

Motion was denied to grant the license.

Joe Ben Arney, City Auto Sales, Murfreesboro, TN
Staff denied application

Motion was made by Commissioner Joe Clayton, and seconded by Commissioner Farrar Schaeffer to grant the license.

ROLL CALL VOTE

Eddie Roberts	No
George Bass	No
Ronnie Fox	No
Don Parr	No
Nate Jackson	No
Farrar Schaeffer	No
Wade Hinton	Abstain
Reed Trickett	No
Mark Pirtle	Abstain
Joe Clayton	No
Chad Jones	Abstain

Motion was denied to grant the license.

Kenneth J. West Jr, Autoland USA at Smyrna, TN
Staff denied application

Motion was made by Commissioner Ronnie Fox, and seconded by Commissioner Joe Clayton to grant the license.

ROLL CALL VOTE

Eddie Roberts	No
George Bass	No
Ronnie Fox	Yes
Don Parr	Yes
Nate Jackson	No
Farrar Schaeffer	No
Wade Hinton	Yes
Reed Trickett	No
Mark Pirtle	Yes
Joe Clayton	Yes
Chad Jones	No
Stan McNabb	Yes

Motion was tied; uphold the denial of the license.

Michael Scott Ladd, Victory Nissan West, Dickson, TN
Staff denied application

Motion was made by Commissioner Reed Trickett, and seconded by Commissioner Nate Jackson to grant the license.

ROLL CALL VOTE

Eddie Roberts	Yes
George Bass	Yes
Ronnie Fox	Yes
Don Parr	Yes
Nate Jackson	Yes
Farrar Schaeffer	Yes
Wade Hinton	Yes
Reed Trickett	Yes
Mark Pirtle	Yes
Joe Clayton	Yes
Chad Jones	Yes
Stan McNabb	Yes

Motion was made to grant the license.

Jonathan Henderson, Bob Frensley Chrysler Jeep Isuzu, Madison, TN
Staff denied application

Motion was made by Commissioner Mark Pirtle, and seconded by Commissioner Donnie Hatcher to grant the license.

ROLL CALL VOTE

Eddie Roberts	Abstain
George Bass	Abstain
Ronnie Fox	Yes
Don Parr	Yes
Nate Jackson	Yes
Donnie Hatcher	Yes
Farrar Schaeffer	Yes
Wade Hinton	Yes
Reed Trickett	Yes
Mark Pirtle	Yes
Joe Clayton	Yes
Chad Jones	Yes
Stan McNabb	Yes

Motion was made to grant the license.

Gregg Motor Co., Chattanooga, TN
Staff denied application

Motion was made by Commissioner Wade Hinton, and seconded by Commissioner Farrar Schaeffer to grant the license.

ROLL CALL VOTE

Eddie Roberts	Yes
George Bass	Yes
Ronnie Fox	Yes
Don Parr	Yes
Nate Jackson	Yes
Farrar Schaeffer	Yes
Wade Hinton	Yes
Reed Trickett	Yes
Mark Pirtle	Yes
Joe Clayton	Yes
Chad Jones	No
Stan McNabb	Yes

Motion passed to grant the license.

DIRECTORS REPORT

Since the last Commission meeting in January, 2012 the following actions have been taken:

Dealers Opened, or Relocated131

Active Licensees as of April 1, 2012

Dealers.....	3931
Applications in Process.....	33
Distributions/Manufacturers	163
Auctions.....	30
Representatives.....	532
Salespeople.....	13520
Dismantlers.....	334
RV Dealers.....	23
RV Manufacturers.....	55

Motor Vehicle Show Permits Issued Since January 2012, ...8
 Revenue Received \$ 1600.00

Motion was made by Commissioner Stan McNabb, and seconded by Commissioner Mark Pirtle to approve the Directors Report.

Old Business

None

New Business

The Motor Vehicle Commission was asked by the Executive Director to make a Policy to recommend that the renewal of a Dealership license not be renewed until the Motor Vehicle Commission staff has received a current Surety Bond.

Motion was made by Commissioner Farrar Schaeffer, and seconded by Commissioner Ronnie Fox to make such a Policy.

ROLL CALL VOTE

Eddie Roberts	Yes
George Bass	Yes
Ronnie Fox	Yes
Don Parr	Yes
Nate Jackson	Yes
Farrar Schaeffer	Yes
Wade Hinton	Yes
Reed Trickett	Yes
Mark Pirtle	Yes
Joe Clayton	Yes
Chad Jones	Yes
Stan McNabb	

Motion passed unanimously to establish this Motor Vehicle Commission Policy.

Legal Report

Corrections to Legal Report- Incorrect numbers typed in Legal report.

Case # 60-2011002911, should have been case 2011031871.

Case # 77-2011021271, should have been case 2011024291.

92. Case No.: 2012000061

Complainant alleged the vehicle was misrepresented as having a clear title, but according to the contract that the Complainant signed, it shows the disclaimer of the vehicle being wrecked and possibly having a branded title. The contract signed by Complainant included language that stated, "The above vehicle has been wrecked before and may have had frame damage and/or branded title." However, despite this language, Complainant alleged that he was not aware of the salvage title until he received the title from the state with the language, "Actual mileage; Rebuilt vehicle; Anti-Theft Inspection passed". Complainant claimed this was the first he had been made aware of the salvage title on the vehicle.

Recommendation: Present to Commission in an open-ended manner to get the opinion of the Commission as to whether the "Rebuilt" language on the sales contract constitutes sufficient disclosure as to the salvage status.

Review Committee Recommendation: Recommendation is to close with No Violation, as the Commission agreed that the language used by Respondent was sufficient disclosure of "Rebuilt title".

Motion was made by Commissioner Nate Jackson, and seconded by Stan McNabb to approve the legal report.

Motion made to adjourn was made Donnie Hatcher, and seconded by Nate Jackson.

Eddie Roberts, Chairman

Leon Stribling, Executive Director